

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

KELLY MINNELLA,

Plaintiff,

V.

MARTIN O'MALLEY,  
Commissioner of Social Security,

Defendant.

)
)
)
)
)
)
)
)
)
)

No. 4:23 CV 1251 CDP

## MEMORANDUM AND ORDER

Plaintiff Kelly Minnella prevailed on her appeal for judicial review of an adverse decision of the Social Security Administration and now requests attorney's fees under the Equal Access to Justice Act (EAJA) in the amount of \$1080 and reimbursement of costs in the amount of \$150. The Commissioner does not object to plaintiff's request and asks that I order payment in the amounts requested. I will grant the request.

This matter came before me on plaintiff's appeal for judicial review of an adverse decision of the Social Security Administration. In a Memorandum, Order, and Judgment entered February 13, 2024, I reversed the Commissioner's decision and remanded the matter to the Commissioner for further administrative proceedings under sentence four of 42 U.S.C. § 405(g). Plaintiff now seeks an award of attorney's fees inasmuch as she is a prevailing party, has a net worth of

less than two million dollars, and incurred these fees in this action. 28 U.S.C. § 2412(d). Plaintiff also seeks reimbursement of \$150.00 as costs for pro hac vice fees paid for counsel to appear in this cause. *See* 28 U.S.C. §§ 1920(a), 2412(a); *Craftsmen v. Limousine*, 579 F.3d 894, 898 (8th Cir. 2009) (pro hac vice fees are recoverable as fees of the clerk). The Commissioner does not oppose plaintiff's motion but requests that any award of attorney's fees be made payable in accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010). Upon review of plaintiff's motion and the Commissioner's response, I find the requested fees and costs and the Commissioner's requested terms of payment to be reasonable.

Accordingly,


**IT IS HEREBY ORDERED** that plaintiff's Motion for Award of Attorney Fees Pursuant to the Equal Access to Justice Act [16] is **GRANTED**.

**IT IS FURTHER ORDERED** that, pursuant to 28 U.S.C. § 2412(d), plaintiff shall recover attorney's fees from the Social Security Administration in the amount of One Thousand, Eighty and 00/100 Dollars (\$1,080.00).

**IT IS FURTHER ORDERED** that, under the terms of the Fee Agreement executed by the plaintiff in this case (*see* ECF 16-1), the award shall be made payable to her attorney, Bryan Konoski, and deliverable to his address of record unless plaintiff has a pre-existing debt owed to the United States, in which case the

award shall be made payable to the plaintiff and subject to offset to satisfy that debt.

**IT IS FURTHER ORDERED** that, pursuant to 28 U.S.C. § 2412(a), plaintiff shall recover costs in the amount of One Hundred Fifty and 00/100 Dollars (\$150.00).

  
\_\_\_\_\_  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 13th day of May, 2024.